REMARKS

Claims 1-19, as amended, remain herein.

1. Claim 20 has been canceled, thus mooting the objection to claims 19 and 20.

2. Claim 17 has been amended to recite a computer-readable medium, thus mooting the rejection thereto under 35 U.S.C. § 101.

3. Claims 1-19 were rejected under 35 U.S.C. § 102(b) over Smithies et al. U.S. Patent 6,091,835. Smithies discloses a system that captures a voice signature by directing "a ceremony whereby the party affirming the document, transaction or event is required to undertake a series of steps in order to successfully complete the affirmation and have the affirmation recorded." *See* Smithies (Abstract). Applicants' claimed invention improves upon certain techniques disclosed by Smithies by more directly linking voice signatures to the contents of documents being signed. Applicant's claimed invention enables signers to reliably sign electronic documents they do not possess; whereas, Smithies does not. The claimed invention involves identifying the contents of a document being signed; Smithies does not.

In Fig. 4b, Smithies uses the field "[DocName]" to identify documents. A document name is not "a speakable identifier summarizing the contents of the document"; it is merely a name. A recorded voice stating "I hereby approve [DocName]" is only tied to the name of the document and not its contents. Similarly, in Fig. 4d, Smithies provides an example of a voice script (*i.e.*, "I hereby approve, adopt and affix my digital signature to John Smith's document"). That voice script does not intertwine the speaker's voice pattern with the document's contents—

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if John Smith were to change the signed document, then Jane Doe's voice recording would seem to apply to the changed document just as much as it does to the original. This is because the voice recording does not contain anything tied to the <u>contents</u> of the document.

The Office Action cites a portion of Smithies which describes a transcript generator module that "presents certain information relating to a document, transaction or event in an organized, sequential manner, asks the affirming party queries related to the affirmation of the document, transaction or event and the party's identification, records information relating to the presentation of the information, the queries and the information received from the party, and securely stores this information in the transcript object." Smithies (8:17-24). It should be noted that Smithies (8:17-24) does not even mention a voice script, much less a voice script that includes a speakable identifier summarizing the contents of the document, as claimed.

Consider how the signature techniques described in Smithies would work if they were applied to the example beginning on pg. 10, ln. 29 of applicants' specification. Under the example Jane Doe signs a document. Using the voice signature technique described by Smithies, a system would walk Jane Doe through a signature "ceremony" and record the keystrokes, utterances, and the like related to the signing process. For example, the system could record Jane Doe stating, "I, Jane Doe, hereby sign my July 2002 welfare benefit form." The entire transcript is then used to create an electronic signature. If Jane Doe's welfare benefit form were later modified, the digital signature may detect the modification; however, the modified document would still be identified as the "July 2002 welfare benefit form". Thus, the recorded voice

signature would appear to match the document, even though the contents of the document had changed.

Contrast how the applicants' specification applies to the same example. Applicants claim an improved voice signature system in which a signature code, or some other speakable identifier summarizing the contents of the instant document is included in a voice script. Instead of merely referring to a document name, applicants' claimed system presents a voice script which includes a summary of the document's content. On pg. 11, lns. 9-10, applicants provide an example voice script that reads "I, Jane Doe, hereby sign my July 2002 welfare benefit form. The signature code is ABCDE", where ABCDE is tied to the contents of the document (i.e., a summary of the contents of the document). In this example, the signature code (i.e., the speakable identifier) is created by computing a hash (i.e., summary) of the contents of the document, and by making the hash speakable. Thus, the voice script reliably ties the contents of the document with a voice recording in a voice signature. In this manner, a voice recording under the applicants' specification should carry greater evidentiary weight than would a recording made under the Smithies techniques. Under the applications' specification, the voice recording would contain evidence linking the signer's unique voice with the unique contents of the document.

The plain and ordinary meaning of the term "summary", according to Merriam-Webster's Online Dictionary, is "an abstract, an abridgement, or compendium especially of a preceding discourse." One technique disclosed by applicants to summarize the contents of a document is to calculate a cryptographic hash of the contents. Smithies fails to disclose or suggest a speakable

identifier that uses any technique to summarize the contents of a document to be signed.

With respect to claims 4 and 18, the Office Action argues that Smithies discloses "calculating a cryptographic hash of the document". While Smithies does disclose using a cryptographic means to sign a document, applicants presently understand the cited portion of Smithies to suggest signing a document using conventional cryptographic techniques as an alternative to a voice signature. It does not suggest using those techniques as part of a spoken recording. Moreover, Smithies in no way suggests the use of a voice script that provides a signer reciting any cryptographic hash or other summary of the contents of a document, as claimed.

With respect to claims 5, 19, and 20, the Office Action states that Smithies discloses "calculating a checksum of the document" at (35:36). However, Smithies does not teach or suggest creating a speakable identifier summarizing the contents of a document by calculating a checksum of the document, as claimed. Nowhere does Smithies suggest a voice script that includes a checksum.

Similarly, with respect to claim 6, the Office Action states that Smithies discloses "calculating a message digest of the document" at (24:22-24). While Smithies does disclose conventional cryptographic techniques, Smithies fails to even suggest including such message digest in a voice script. Claim 6 recites "creating a speakable identifier summarizing the contents of the document" by performing steps including "calculating a checksum of the document". Smithies clearly fails to disclose the claimed method.

Claims 10 and 14 recite that a signer is presented with hardcopies of a document to be

signed. With respect to those claims, the Office Action cites Smithies (8:47-48), which reads: "a recording function captures the exact time of each keystroke, mouse or pointer device event, or other input, as well as representations or indications of each screen or message displayed to the affirming party, and the exact time of their display." The cited portion of Smithies fails to suggest sending a hardcopy of a document to be signed to a signer, as claimed.

With respect to claim 16, the Office Action states that Smithies discloses "using an interactive voice response system." However, the Office Action fails to cite or identify any portion of Smithies which suggests an interactive voice response (IVR) system. The term "interactive voice response system" should be given its usual meaning widely understood to those of ordinary skill in the art.

Smithies fails to disclose a speakable identifier summarizing the contents of a document to be signed. Thus, Smithies does not disclose all elements of applicants' claimed invention and therefore is not a proper basis for a rejection under § 102. Nor does Smithies suggest applicants' claimed invention. Accordingly, claims 1-19 are not anticipated by Smithies, and applicants request withdrawal of this ground of rejection, and allowance of claims 1-19.
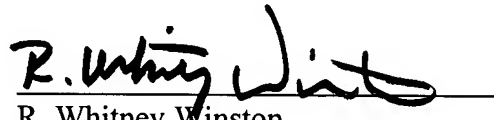
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The application is now in condition for allowance and a notice to that effect is

respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or

overpayments to Deposit Account No. 19-4293 (Order No. 16214.0004). If further amendments

would place this application in even better condition for issue, the Examiner is invited to call

applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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